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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,710	12/03/2003	William Samuel Herz	NVID-077/00US 140060-2154	6902
23419 7590 04/01/2009 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001			EXAMINER ZHAO, DAQUAN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 04/01/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,710	<b>Applicant(s)</b> HERZ, WILLIAM SAMUEL	
	<b>Examiner</b> DAQUAN ZHAO	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sturgeon et al (US 6,064,385), hereinafter referenced as Sturgeon and further in view of Schoner et al (US 6,493,506 B1), hereinafter referenced as Schoner.

**For claim 1**, Sturgeon teach an apparatus to process an audio/video program, comprising:

a preferences module configured to  
coordinate specification, by a first user, of a first set of presentation settings with  
a first set of portions of said audio/video program and with said first user, and  
coordinate specification, by a second user, of a second set of presentation  
settings with a second set of portions of said audio/video program and with said second  
user (e.g. abstract, column 4, lines 20-31, the examiner considers that the "current user  
preference value" and the "new preference value" can be set by the first user and the

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second user, respectively. It is an inherent feature that the system of Sturgeon can be used by different users to change the set up value during playback); and

a presentation module coupled to said preferences module, said presentation module being configured to,

during subsequent playback of said audio/video program for said first user, selectively apply said first set of presentation settings to said first set of portions of said audio/video program, and selectively apply said second presentation setting to said second portion of said audio/video program (e.g. column 4, lines 31-41).

during subsequent playback of said audio/video program for said second user, selectively apply said second set of presentation settings to said second set of portions of said audio/video program (e.g. column 4, lines 31-41).

Sturgeon fails to teach attribute of the user and based on said attribute of user, retrieve said presentation setting. Schoner teaches Sturgeon fails to teach attribute of the user and based on said attribute of user, retrieve said presentation setting (e.g. abstract, column 3, lines 21-30 user identification field corresponds to the claimed “attribute” of user; paragraph 31 of the instant application describes the user attribute as the name of the user, which is the id of the user). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Schoner into the teaching of Sturgeon to allow user conveniently view presentation without having to reselect viewing and listening preferences (Schoner, column 2, lines 5-16).

For claim 3, Sturgeon teaches at least one of said first set of presentation setting and said second set of presentation settings corresponds to one of an audio setting and a display setting (e.g. column 8, lines 51-65).

For claim 4, Sturgeon teaches said audio setting corresponds to one of an audio channel setting, an audio field setting, an audio format setting, a dynamic range setting, a language setting, a pitch setting, a playback speed setting, a tone setting, and a volume setting (e.g. column 4, lines 31-41).

For claim 5, Sturgeon teaches said display setting corresponds to one of a brightness setting, a black and white setting, a contract setting, a color setting, a fast motion setting, a flicker setting, a gamma setting, a hue setting, a letter box setting, a non-square zoom setting, a pan and scan setting, a pillar-box setting, a pixel blurring setting, a pixel sharpening setting, a red-eye setting, a slow motion setting, and a zoom setting (e.g. column 4, lines 31-41).

For claim 6, Sturgeon teaches preference module is configured to coordinate storage of said first set of presentation settings for said first user, and said preferences module is configured to coordinate storage of said second set of presentation settings for said second user (e.g. column 4, lines 20-31).

For claim 7, Sturgeon teaches a memory coupled to said preferences modules and said presentation module, said memory being configured to store said first set of presentation setting for said first user and said second set of presentation setting for said second user (e.g. column 7, lines 25-40).

For claim 8, Sturgeon teaches coordinate said specification of said first set of presentation settings with said first set of portions of said audio/video program based on input by said first user during initial playback of said audio/video program e.g. abstract, column 4, lines 20-31).

For claim 9, Sturgeon teaches coordinate said specification of said first set of presentation settings with said second set of portions of said audio/video program based on input by said second user during initial playback of said audio/video program e.g. abstract, column 4, lines 20-31).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sturgeon and Schoner as applied to claims 1, 3-9 above, and further in view of Durden et al (US 2004/ 0,261,099 A1).

see the teaching of Sturgeon and Schoner above.

**For claim 2**, Sturgeon and Schoner fail to teach a time stamp. Durden et al teach a time stamp (paragraph [0072]). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Durden et al into the teaching of Sturgeon and Schoner for user to easily modify the video.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621